

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DANIEL GONZALEZ and JEFFREY  
HUGHES, et al.

**Plaintiffs,**

V.

DIAMOND RESORTS INTERNATIONAL  
MARKETING, INC., et al.,

### Defendants.

Case No.: 2:18-cv-00979-APG-NJK

# **ORDER AFFIRMING MAGISTRATE JUDGE'S ORDER**

[ECF Nos. 153, 186, 187]

9 The plaintiffs moved to amend their complaint to add claims under Missouri, Nevada,  
10 North Carolina, and Washington state laws, and to add named plaintiffs who “seek to represent  
11 the respective state classes in the states where they worked . . . .” ECF No. 153 at 4-5.  
12 Magistrate Judge Koppe denied that motion because the plaintiffs unduly delayed filing it and  
13 the defendants would be prejudiced by allowing the amendment. ECF No. 186. The plaintiffs  
14 now appeal that denial. ECF No. 187.

15 Magistrate Judge Koppe found the motion to be non-dispositive and thus within her  
16 authority to “hear and determine.” ECF No. 186 at 3-5. The plaintiffs disagree and urge me to  
17 treat the motion as dispositive, so that I must consider the matter *de novo* under 28 U.S.C.  
18 § 636(b)(1)(C) and Local Rule IB 3-2(b).

I agree with Judge Koppe’s determination that the motion to amend is not dispositive. Reviewing her order under the more deferential standard of 28 U.S.C. § 636(b)(1)(A) and Local Rule IB 3-1(a), Judge Koppe’s order is not “clearly erroneous or contrary to law.” I affirm the order.

1 But out of an abundance of caution, I have also conducted a *de novo* review of the motion  
2 to amend and related papers under Local Rule IB 3-2(b). Judge Koppe's order sets forth the  
3 proper legal analyses and factual bases for the decision. Thus, under either standard of review, I  
4 adopt and affirm Judge Koppe's order.

I THEREFORE ORDER that Magistrate Judge Koppe's order (**ECF No. 186**) is affirmed in its entirety, and the plaintiffs' motion to amend (**ECF No. 153**) and objection to the order (**ECF No. 187**) are denied.

8 Dated: November 3, 2020.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE